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## Suicide and the secularization of the body in early modern Saxony

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**ABSTRACT.** *A jurisdictional dispute over the burial of suicides in Electoral Saxony in the years 1702–1706 brought into sharp contrast conflicting views of the body in popular belief and Lutheran pastoral theology, and in the secularizing project of the early Enlightenment. The dispute centred on the practical, local implications of territorialism, a theory of church subordination to the state developed in the 1690s by the Saxon jurist Christian Thomasius (1655–1728), the most influential German political philosopher of the early Enlightenment. Considered in its intellectual and institutional contexts, the Saxon dispute illustrates the importance of the body to an understanding of secularization, the early Enlightenment and the history of suicide.*

In March 1702 a suicide in the town of Taucha, outside Leipzig, set off a four-year administrative dispute between the Leipzig city council and Saxon church authorities over the burial of suicides. The Leipzig city council sought to maintain its *de facto* control over the bodies of suicides against the claims of the Lutheran state church in the Electorate of Saxony. Ultimately, with the support of the Saxon Privy Council in Dresden, the church officials won out: all secular administration of the burial of suicides was transferred to the church authorities.

The Leipzig dispute over the burial of suicides surfaced during a period of extraordinary political tension and intellectual ferment in Saxony. The absolutist ambitions of King-Elector Frederick Augustus I (1694–1733; as Augustus II King of Poland 1697–1733) threatened the authority of the Lutheran state church and the privileges of the Saxon nobility. The

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dispute centred on the practical, local implications of territorialism, a new theory of church subordination to state authority developed in the 1690s by the Saxon jurist Christian Thomasius (1655–1728). The most influential German political philosopher of the early Enlightenment, Thomasius adapted the political theory of Thomas Hobbes and Samuel Pufendorf to the principalities of the Holy Roman Empire. In Thomasius' view, the political pretensions of the clergy were antithetical to the moral and political objectives of the state, and he argued energetically for territorialism as the solution to this problem. In the Leipzig dispute Thomasius recognized an important struggle over the local application of the territorial principle. His bitter intellectual adversaries, the leaders of the Lutheran state church in Saxony, also felt that the dispute raised crucial issues of church and state authority. The conflicting views of the body and the state that fuelled this dispute bring together administrative practice, changing views of suicide, and the legal theory of the early Enlightenment in a distinctive Saxon political context.

Research on suicide in early modern Europe has focused on changing popular views of self-destruction and on learned debates over the causes of suicide and the fate of the soul of the suicide. This research has identified a clear secularization of attitudes toward the act in the course of the seventeenth and eighteenth centuries. In England by the mid-eighteenth century 'the causes of suicide', to quote from Michael MacDonald and Terence R. Murphy's landmark study, 'were located more in the quality of a person's social relationships and his success or failure in the market economy, and less insistently in his relationship with the spiritual forces of God and the devil'.<sup>1</sup> A recent study of the detailed discussion of suicide in the autobiography of the Leipzig author Adam Bernd (1676–1748) also reveals an almost entirely secular understanding of suicide and its origins in 'melancholy'.<sup>2</sup> In his study of melancholy and suicide in early modern Zurich Markus Schär also identifies 'the devaluation of supernatural forces' as the dominant trend in attitudes toward suicide over the seventeenth and eighteenth centuries.<sup>3</sup>

Secularization is a fundamental aspect of the history of suicide, but the interest of modern scholars in the psychology and sociology of suicide, and in the history of attitudes toward self-destruction, obscures one of the most salient aspects of suicide for early modern men and women.<sup>4</sup> In the study of early modern suicide, the historian's focus on the mind collides with the intense concerns of early modern people with the body of the suicide. This body was thickly overlaid with folk beliefs; its disposal was fraught with conflict, often reflecting after death the tensions which provoked the suicide itself. Whatever theologians, physicians, or

*philosophes* might argue about the mind or the soul of the suicide, self-destruction left behind a material body, a silent yet awful challenge to some of the most basic assumptions that held the community of the living together. Secular and ecclesiastical authorities had to determine the legal status of this body and see to its disposal. The body of the suicide, intensely significant in popular belief, Christian theology and local politics, lay at the threshold of any practical early modern concern with self-destruction.

By all accounts popular concerns about the body of the suicide were widespread, and disputes over the Christian burial of these outsiders were a common consequence of self-destruction across early modern Germany.<sup>5</sup> As the work of David Lederer on Bavaria and Michael Frank on Lippe has shown, conflicts over the burial of individual suicides can give valuable insight into the exercise of power within village communities and between local authorities and territorial administrators.<sup>6</sup> In each case an array of factors came to bear, from estate and privilege to ongoing local conflicts. These factors played themselves out within the general framework of authority over the burial of suicides, but this question of administration has received little attention in discussions of early modern suicide. We know that learned attitudes toward suicide were changing – but who would apply the new attitudes in specific cases? Like no other crime, self-murder transgressed against both secular and ecclesiastical authority, in an age when the only honourable disposal of a corpse was through local Christian burial. Thus a central question emerged: was the body of the suicide under secular or ecclesiastical jurisdiction?

This question was the basis of the Leipzig dispute (1702–1706), an administrative conflict between civil and church authorities that has not been explored in any of the recent research on the burial of suicides. Several detailed studies have examined the law and administration of burial in Nuremberg, Würzburg and Zurich; in each of these territories there was little or no separation between secular and ecclesiastical authority, and thus little opportunity for conflict at an institutional level over the burial of suicides.<sup>7</sup> In the Catholic Electorate of Bavaria and in the Lutheran Duchies of Schleswig and Holstein secular administrators emphasized the secular crime of suicide and thus claimed the authority over the disposal of the body.<sup>8</sup> In most cases the Catholic clergy in Bavaria co-operated with the Bavarian Court Council when the burial of suicide was at issue, leaving the final decision to the Court Council.<sup>9</sup> In Schleswig and Holstein, individual pastors often petitioned the Duke to allow for a less dishonourable form of burial, but the clergy never challenged secular authority over the burial of suicides.<sup>10</sup>

In Electoral Saxony, however, the political ambitions of Frederick Augustus I antagonized all the Saxon estates and fostered the church–state conflict over the burial of suicides. The Lutheran state church, governed by its Upper Consistory in Dresden, was a powerful institution which could claim to be the truest heir of the Reformation of Luther and Melancthon. By the late seventeenth century the Upper Consistory generally numbered about eight members including the court preacher (*Oberhofprediger*); all were theologians.<sup>11</sup> It was supported by two regional consistories in Leipzig and Wittenberg; the local superintendents who oversaw the pastorate answered to these regional consistories. The entire state church was subject to the Elector of Saxony in his role as *summus episcopus*, but Lutheran theologians argued that the consistories exercised the *ius in sacra* while the territorial ruler maintained only the *ius circa sacra*. The Saxon church was in many ways an organ of the state, but the Saxon Elector was also a member of the church, subject to its moral and doctrinal authority. This relationship between prince and church, usually termed episcopalism, had developed during the Reformation and was fully articulated by the early seventeenth century.<sup>12</sup>

The political and confessional basis of Saxon episcopalism was destroyed by Frederick Augustus I. His political ambitions (based on his election to the Polish throne in 1697) and his cultural pre-eminence (centred on the spectacular court at Dresden) made him the very image of a Baroque absolute monarch. But the image was far from reality. The Saxon nobility still met regularly in a parliament (the *Landtag*) and had considerable power and authority. Unlike their counterparts in Brandenburg-Prussia, the Saxon nobles increased their political role after the Thirty Years' War, maintaining control over taxation, their regular assembly, and the Saxon Privy Council.<sup>13</sup> Their importance was reflected in the administrative development of the principality: by 1704 Augustus had created a Privy Cabinet to supplant the Privy Council which was dominated by Saxon nobles.<sup>14</sup>

The Lutheran state church of the Electorate was also an obstacle to Augustus' ambitions of absolutism. In 1697 Augustus, ruler of the heartland of the Lutheran Reformation, secretly converted to Catholicism to make himself eligible for election to the Polish throne. After making public his conversion, he assured his Lutheran subjects that their religion would be untouched, but the Lutheran clergy nonetheless were forced to abandon their episcopal view of church–state relations.<sup>15</sup> After the conversion of Augustus II to Catholicism, the Saxon Privy Council replaced the Elector as the *summus episcopus* of the Lutheran church in Saxony and as speaker for the Lutheran estates (*Reichsstände*) in the

Imperial Diet. The Privy Council was closely tied to the Lutheran nobility of the principality: during the long periods when the King-Elector was in Poland, it ruled without consulting him on most matters including, it seems, the Leipzig suicide dispute.<sup>16</sup> Augustus was not especially interested in day-to-day administration; his political ambitions moved on much higher levels.

Through his conversion, election to the Polish throne, and attempts at absolute rule, Augustus created a set of new conflicts and alliances in the Saxon Electorate. Foreign (i.e. non-Saxon) noble courtiers and administrators (some Catholic!) struggled with the local nobility over taxation, official corruption, and estate privileges. The state church resisted the religious pluralism inherent in the new situation and attempted to ally itself with the Saxon nobles.<sup>17</sup> At the same time, Augustus demanded more revenue from Leipzig and other Saxon cities, thus alienating another estate that might have supported his political agenda.

During the Leipzig dispute over the burial of suicides new ideas about ritual, the body, and the relationship between church and state flowed into the turbulent political waters of Electoral Saxony in the early eighteenth century. In this article I examine the body of the suicide in popular belief and in Saxon church law, then discuss ritual and the body in the political theory of Christian Thomasius and in the practice of the Leipzig city council. The Leipzig dispute ultimately resulted in an administrative ‘desecularization’ of suicide: Thomasius’ arguments in favour of secular control and the *de facto* administration of the city authorities were offset by the co-operation of the Saxon Privy Council with the Lutheran clergy. The outcome of this dispute shows that the secularization of ideas about suicide led only indirectly to a secularization of authority over the body of the suicide.

#### I. THE BODY OF THE SUICIDE

In early modern German popular belief, pastoral theology, and law, the body of the suicide could be a source of liminal power as well as a powerful sign of transgression. We catch a glimpse of the popular beliefs surrounding the body of the suicide in a Leipzig chronicle, Johann Jakob Vogel’s *Leipzigerisches Geschichts-Buch* (1714).<sup>18</sup> In an entry for the year 1661 Vogel records the fate of Matthäus Kleemann, a grave-digger in the town of Taucha (coincidentally the location of the 1702 suicide which began the Leipzig dispute). Kleemann recently had interred ‘just outside the cemetery’ the body of a potter’s wife who had poisoned herself after she had been jailed for adultery and murder.<sup>19</sup> Late in the evening of 6

June the local pastor discovered Kleemann at the grave of the suicide 'with a pot and a whisk'. The pastor asked Kleemann what he was doing there, then informed the authorities, who promptly arrested Kleemann, presumably for attempted grave robbery, perhaps for witchcraft. The charges must have been serious: the following night Kleemann hanged himself in jail. His body was cut down by the executioner, dragged out to the gallows and buried there.<sup>20</sup>

What did Kleemann want from the body of the suicide? Pieces of a suicide's clothing might be used to strengthen livestock. Perhaps the hand, believed useful both in healing and in magical theft, was his object, or the skull, also considered to have healing powers. Soil from the grave of a suicide was also believed by some to have magical powers. As recorded in the voluminous *Dictionary of German Superstition (Handwörterbuch des deutschen Aberglaubens)*, these beliefs lack the necessary regional and chronological specificity to be applied directly to this Saxon case, but they certainly illustrate a broad range of belief in the liminal power of the body of the suicide.<sup>21</sup>

The suicide's body was no less important to churchmen and jurists, who were concerned primarily with its burial. From the first centuries of the Christian tradition, burial location was a powerful and evocative symbol of inclusion or exclusion. Although Lutherans rejected the concept of 'consecrated ground', the place of Christian burial still signified inclusion or exclusion, marking the communal status of the deceased. This status was dangerously ambiguous in cases of self-murder: in an instant, suicide could transform an honourable member of the community into an outsider, leaving a dishonoured body whose proper place of burial was uncertain.

In early modern Germany Christian burial was typically, though not always, denied to the 'dishonourable', including suicides, criminals, and those who practiced dishonourable professions such as prostitutes and executioners.<sup>22</sup> In the Lutheran churches the theological basis for the denial of Christian burial was established by Martin Luther and Johannes Bugenhagen in a 1542 letter to the Bernburg pastor Cyriacus Gerich.<sup>23</sup> Based on the traditional sense of the community of all Christians, living and dead, Luther and Bugenhagen stated that the celebration of a Christian funeral for one who had 'stubbornly held the Christian community in contempt' would be 'a falsehood, a denial of one's conscience, and a blasphemy'.<sup>24</sup> Despite his sympathy for victims of suicide, Luther specifically recommended denial of Christian burial to suicides, in hope that the shame of dishonourable burial would discourage self-murder.<sup>25</sup> By the mid-sixteenth century denial of honourable burial

provided a tool of social ordering available to church and secular authorities and functioned as a sort of substitute excommunication for the unrepentant.<sup>26</sup>

The complete denial of Christian burial, described as an ‘ass’s burial’ (*Eselbegräbnis* or *sepultura asina*), meant removing the difference between human and beast: the body was left exposed on the gallows or interred where dead animals were buried. The dishonoured in early modern Germany could also be buried just outside the communal cemetery, without the participation of the clergy or the community. The burial took place ‘in der Stille’, that is, without the usual ringing of the churchbells, before dawn or at night.

Church and local records reveal a range of dishonourable burials. In the village of Reichenbach in Lutheran southern Hesse the ‘godless, wild and epicurean’ Michel Ewalt was threatened with complete denial of Christian burial, but was ultimately buried ‘in a corner of the cemetery behind the churchyard’ in September 1610.<sup>27</sup> Suicides might be buried with somewhat more respect. In a 1635 case the Saxon Upper Consistory allowed a suicide to be buried ‘in the churchyard in a separate place, in the evening or early morning without tolling, singing, or any such ceremonies, and without any long delay’.<sup>28</sup> In 1690 a Brunswick man who had led an otherwise pious and upright life hanged himself because of ‘Melancholie’. He was buried in the children’s cemetery, in a separate area near the wall. The burial took place in the evening in silence (‘in aller Stille’).<sup>29</sup> The continua of space (burial with the other adults, among the children, near the wall, or outside the cemetery completely) and ritual (burial in silence, with or without the pastor, at night, or in the evening) could give an almost quantitative sign of the dishonour accorded to the deceased by the religious and secular authorities of the community.

The traditions of dishonourable burial were never applied indiscriminately. The two suicides in the tale above also illustrate the several forms of burial accorded to those who took their own lives. In early modern Saxony the burial of suicides ranged from the *sepultura asina* or burial under the gallows (the fate of Matthäus Kleemann, the Taucha grave-digger), to burial outside the communal cemetery (as with the potter’s wife) or just inside the cemetery wall (certainly the most common form of burial for suicides).<sup>30</sup> Given the spectrum from the utter denial of Christian burial to an honourable funeral that might include a funeral sermon, the body of each suicide raised potentially divisive questions of ritual form and administrative authority. Conflicts erupted because the body of the suicide remained a powerful but ambiguous sign for common folk and learned officials alike.

How did officials determine the ‘appropriate’ form of burial for a suicide? From the mid-seventeenth century on, Lutheran administrators confronted with the body of a suicide would turn to the work of the Leipzig jurist Benedict Carpzov (1595–1666) for guidance. The church law of Lutheran Saxony was first treated systematically in Carpzov’s *Jurisprudentia ecclesiastica seu consistorialis* of 1649, a landmark work of Protestant church law. Carpzov based the *Jurisprudentia ecclesiastica* on the actual decisions and rulings of the Saxon consistories; while denouncing the canon law of the Roman Church, he maintained many of its principles, including the terms of the canonical distinction between honourable and ignominious burial.<sup>31</sup> Carpzov’s authority, based on his pioneering and systematic works in criminal law, civil law, and church law, was extensive: his works were published and cited throughout central and northern Germany and Scandinavia for over a century. The subsequent discussions of the law of burial by the Leipzig city council and by Christian Thomasius in 1702–1705 begin with Carpzov’s treatment of the law of burial.

Carpzov deals with questions of burial in title 24, definitions 373 through 395 of the *Jurisprudentia ecclesiastica*. The burial of suicides takes a prominent place in Carpzov’s discussion, due not to the frequency of suicide but rather to the central questions of ritual and authority it raised within the framework of the Lutheran funeral. Was the disposal of the body of the suicide a secular or an ecclesiastical matter? Wilful suicide could be punished by the rites of dishonourable burial and desecration, but those self-murderers judged mentally incompetent might be given an honourable burial, in some cases with a funeral sermon.<sup>32</sup> By focusing on the intent of the suicide, Carpzov raised two interlocking questions. First, what was the mental state of the deceased? Second, who held the authority to assess this mental state and so determine the appropriate form of burial?

Carpzov stated that the assessment of the mental state of the suicide and the decision to deny or permit Christian burial, as well as the degree of honour shown by the funeral, were in the hands of church authorities alone.<sup>33</sup> For Electoral Saxony and most other Lutheran territories the Consistory, the highest body of the state church, was to make such decisions. According to Carpzov, church law placed the burial of suicides solely under ecclesiastical authority, delegated in some cases from the Consistory to a local church official.<sup>34</sup> Carpzov’s understanding of church law was reinforced by an Electoral Saxon decree (*Reskript*) of 1664 which explicitly gave the church authority over the burial of suicides, in particular when melancholy was judged to be the cause.<sup>35</sup>



Early in his explication of the law of burial, Carpzov considered the burial of suicides ('autochirios') in general, and presented four cases concerning their burial. In two cases burial in the churchyard was permitted, though 'in a separate place' ('an einem absonderlichen Ort') at night or early in the morning. In two further cases burial was designated outside the churchyard or cemetery. In each case the decision was made by the Upper Consistory in Dresden.<sup>36</sup>

Carpzov then discussed those who took their own lives when prompted by melancholy, rage, or other mental weaknesses.<sup>37</sup> He cited three cases in which the suicide was given a Christian burial, though in a separate area of the churchyard or cemetery. These decisions were made either by the Saxon Elector (acting, in legal terms, as *summus episcopus*) or by the Dresden Upper Consistory. In summary Carpzov quoted a ruling of the Saxon Upper Consistory: 'The Electoral Saxon Church Ordinance makes clear that ... matters regarding the dead and their burial should be brought before the Consistory and handled there.'<sup>38</sup> This authoritative affirmation of ecclesiastical control over funerals in general and over the burial of suicides in particular was challenged at the end of the seventeenth century: both the practice of the Leipzig city council and the political theory of Christian Thomasius sought to secularize the burial of suicides.

The Leipzig-born jurist and philosopher Christian Thomasius was forced from his position at the University of Leipzig in 1690 when his criticism of the traditional faculties of the university provoked the hostility of the Lutheran orthodoxy dominant there. He fled to Berlin, then served as one of the founders of the Brandenburg-Prussian university in Halle, where he continued to develop his legal philosophy, which systematically distinguished law, decorum, and morality and subordinated the church to civil authority.<sup>39</sup> Deeply troubled by his expulsion from Leipzig, Thomasius saw the reform of 'clerical tyranny' as his special intellectual calling. His importance as a founder of the German Enlightenment rests on his relentless and thorough destruction of the confessional basis of the early modern state and his support for religious toleration.<sup>40</sup>

Directly influenced by Hobbes and Pufendorf, Thomasius argued for a 'territorial' understanding of church-state relations, which placed the secular ruler over all the religious communities of his dominion as a supraconfessional authority.<sup>41</sup> Thomasius presented his work on church law as a defence of the rights of territorial rulers against the attempts of 'papistical clerics' to aggrandize to themselves aspects of civil authority. He saw his views on church-state relations as truly Protestant, continuing the struggle against clerical tyranny begun by Luther.<sup>42</sup> The counterpoint

to Thomasius' territorialism was the episcopal system of traditional Lutheran political theory.

Thomasius articulated the principle of princely authority over the church and its ritual in the 1695 dissertation of his student Enno Rudolf Brenneysen, *De jure principis circa adiaphora* (Halle, 1695), also published later in German translation in a collection of Thomasius' works for a broader audience, the *Selected writings never before published in German* (Halle, 1705).<sup>43</sup> The 1695 treatise enraged Lutheran theologians in Saxony, who attempted to ban it and published a series of counter-treatises to which Thomasius and Brenneysen responded over the next five years.<sup>44</sup>

For Thomasius, the authority of Protestant princes over church ritual was one aspect of a larger struggle to anchor state authority completely outside the traditional legitimization of the church. To do this, Thomasius was willing to stretch the traditional Lutheran concept of the adiaphora to its widest possible extent. For Thomasius, everything except the fundamental doctrine of the church was a thing indifferent – and all these adiaphora could be legitimately regulated by secular authority.<sup>45</sup> Following Hobbes, he argued that the conscience was free from secular authority, but that the body and the rites and ceremonies of the church(es) within a state were subject to the secular ruler, who has authority 'over the actions of his subjects, in secular as in spiritual affairs'.<sup>46</sup>

In 1702 Thomasius focused this argument on funeral ceremonies, discussing a range of issues related to burial that served as further examples of the attempts of the 'papifying' clergy to seize the rights of Protestant princes. Thomasius' treatise on the law of burial, *De jure principis evangelici circa solennia sepulturae*, was prepared as a dissertation in Halle and published on 8 April 1702. In this work, also published in the German collection of 1705, Thomasius applied the territorial principle, based on his understanding of ritual as adiaphora, to the Protestant law of burial.<sup>47</sup> He saw controversies over the law of burial as one example of the struggle against clerical pretensions: 'I have recently learned that persons in a certain place are struggling with all their might ... to deny to the princes and secular authorities the right to change or eliminate funeral ceremonies ...'.<sup>48</sup> In Thomasius' words, this Lutheran clerical attack on secular authority over funerals 'stinks of the Papacy' and was the work of 'the secretly papist clergy disguised as Lutheran theologians'.<sup>49</sup> He argued forcefully that 'the administration of funeral ceremonies belongs not to the law of internal [things, the *jus in sacra*], but to the law of external things [*jus circa sacra*] ...'.<sup>50</sup> In his treatise on the law of burial Thomasius dealt with the punishment of suicides, burial in churches, the simplification of funerals, the rise of nocturnal burial, and the role of the

funeral sermon. Burial ritual became an important ‘test case’ in the application of the territorial principle.

The *Solennia sepulturae* examines the contemporary trend to simplify and declericalize the traditional Lutheran funeral. Thomasius endorsed this development, begun around 1670 by courtiers and urban elites, in terms of the right of the Protestant ruler to alter the order of burial ‘with good cause’.<sup>51</sup> Thomasius’ interest in extending secular authority over funerals is especially clear when he argues against his main legal authority, Benedict Carpzov.

The burial of suicides takes a prominent place in Carpzov’s discussion of the Lutheran funeral, and so in Thomasius’ treatise as well. He reinterprets Carpzov’s commentary in order to argue that the Consistory has only a delegated authority over the burial of ‘those who in a rage or in melancholy murdered themselves’.<sup>52</sup> This authority over the body of the suicide was exercised in the name of the territorial ruler, and revocable at any time:

when the jurists say that the authority over funerals belongs to the consistory ... they speak only about what normally happens on the direction or instigation of the prince, as when the consistory or ministry does something on express or implicit command of the prince.<sup>53</sup>

Beyond this, Thomasius suggested that even lesser organs of secular government, such as city councils, might overrule a church consistory on such matters.<sup>54</sup> In the administration of burial, Carpzov had placed consistorial authority above the secular authorities: Thomasius reversed this position by arguing that Carpzov’s detailed presentation of clerical authority referred only to authority delegated by the secular ruler case-by-case.

The arguments presented by Thomasius in the *Solennia sepulturae* tended to secularize the body of the suicide in two ways. First, Thomasius argued for secular authority over all funerals; the clergy would merely provide the appropriate form of burial. He also criticized the denial of Christian burial to suicides, arguing that punishing the body did not punish the suicide or deter others from the crime, but that it allowed ‘Papists or papistical [i.e. Lutheran] pastors’ to treat ‘the most pious and innocent people as if they were godless and despisers of the word of God’.<sup>55</sup> Ignoring the intense significance of the body and its final resting place in Lutheran church law and in popular belief, Thomasius sought to designify the body.<sup>56</sup> Like all worldly things, it belonged under secular authority.

Funeral rituals, including the burial of suicides, provided an excellent opportunity to make these two arguments because the rituals were embedded in daily life. As Thomasius noted in his own remarks at the

conclusion of the *Solennia sepulturae*, ‘such a topic ... is of daily use’.<sup>57</sup> In fact, as Thomasius’ arguments supporting secular authority over burial were discussed and published in Halle in 1702, the same issue arose in Leipzig.

## II. THE LEIPZIG DISPUTE OVER THE BURIAL OF SUICIDES, 1702–1706

It was no coincidence that Thomasius presided over a dissertation on the law of burial in April 1702. In nearby Leipzig, where Thomasius still had many connections, the city council was embroiled in a struggle with the regional Consistory regarding the council’s jurisdiction over the burial of suicides. Like Thomasius, the council would argue that the administration of burial, and in particular the burial of suicides, properly belonged under secular authority.

The archival record of the dispute begins with the suicide of Anna Altner of Taucha, who hanged herself a few days after Laetare Sunday (26 March) 1702. The city council of Leipzig was the manorial lord (*Gerichtsherr*) of Taucha, and the suicide was reported to the administrators of the city’s rural holdings (the *Landstube*).<sup>58</sup> These territorial administrators in turn reported the case to the Leipzig city council, who ordered an investigation into the life and character of the deceased.<sup>59</sup>

To determine ‘the probable causes of the suicide’ the territorial administrators questioned Altner’s pastor and confessor, Johann Gottlieb Hoffmann, as well as her neighbours and those with whom she had lived. The investigation by the Leipzig officials showed that Anna Altner had lived a ‘Christian and peaceful’ life, and that she attended church regularly and received Communion often (for the last time on Laetare Sunday, a few days before she took her life). The city officials concluded that her suicide resulted not from an ‘evil despair’ (*boshafften verzweiflung*), but rather from an ‘emotion of melancholy’ (*affectu melancholio*). This was a crucial distinction in seventeenth-century discussions of suicide. Despair was a grave sin, understood as an utter loss of faith in the promise of salvation; melancholy, on the other hand, described a disturbed state of mind generally considered exculpatory.<sup>60</sup>

After deciding that the woman was not guilty of any crime, the Leipzig administrators ordered the body to be cut down and placed in a coffin obtained by the deceased’s daughter.<sup>61</sup> Because Altner was not morally responsible for the crime of self-murder, the secular administrators decided she could be buried quietly in a corner of the communal cemetery.<sup>62</sup>

Nearly two months later, on 26 May, the Leipzig Consistory informed the Leipzig council's rural administration (the *Landstube*) that the Taucha pastor Johann Gottlieb Hoffmann had reported Altner's suicide to the Consistory immediately and requested instructions 'on how the burial of the body should be held'. The Consistory then learned that the Leipzig council administrators had allowed the burial of the body in the Taucha cemetery without consulting them. The Consistory asked the Leipzig administrators in curt tones 'on whose order that had occurred' and why the suicide had not been reported to them first. The Consistory requested a reply within eight days.<sup>63</sup>

The reply of the Leipzig territorial administration to the Consistory, dated 17 June, reflects the city authorities' sense of the proper administration of the burial of suicides. They argued to the Consistory that they were authorized to rule on the burial by the manorial lord of Taucha, in other words the Leipzig city council. They further pointed out that no 'prohibitive law' limited the council's authority. Finally, they argued that the established practice was to consult the Consistory only when there was doubt over the proper form of burial; as Altner's family had not requested any funeral ceremonies involving the clergy, there was no need to report the suicide to the Consistory.<sup>64</sup> The argument presented here by the territorial administrators of the Leipzig council places the burial of suicides entirely under secular administration. Only when there was doubt over the degree of honour to be shown by the funeral of the suicide would the Consistory be consulted – and it was the secular authorities who would decide if the case was doubtful. This argument presented a subtle functionalization of the church: after secular officials had decided on the fate of the body of the suicide, the church as a subordinate institution would then bury it accordingly.

The Consistory's prompt reply to the rural administration insisted that the burial of suicides was entirely subject to the 'ecclesiastical jurisdiction' ('geistliche Gerichtsbarkeit'): every instance must be reported to the Consistory. The secular authorities were to report on the circumstances of the suicide and the reputation of the deceased, then wait for the 'resolution' of the Consistory, which would determine 'if the body should be buried in the cemetery or in another place; further, what sort of ceremonies should be used'.<sup>65</sup> The Consistory did not dispute the propriety of Anna Altner's burial itself; the administration of the burial of suicides in general was the issue.

By 13 July the conflict had escalated: the Leipzig city council itself defended its jurisdiction over the burial of suicides in a lengthy letter to the Leipzig Consistory. This was a tense time for the Leipzig council itself: in 1702 it was led by Franz Conrad Romanus (1671–1746), an Electoral

administrator whom Augustus forced the council to accept as mayor in 1701. Feared and hated by the other councilmen, Romanus was a courtier-mayor who had studied law with Thomasius in Leipzig and was certainly no friend of the leaders of the Saxon church.<sup>66</sup> The council began by restating the arguments that the rural administrators (*Landstube*) had made: only when the form of burial was uncertain would the Consistory be informed and the judgment of the ‘ecclesiastical authority’ be required. Otherwise, all burials of suicides were subject to the ‘secular magistrates’.<sup>67</sup>

The report emphasized that the council had no obligation to inform the church authorities before the burial of a suicide, citing the *Jurisprudentia ecclesiastica* of Benedict Carpzov. In fact, the cases cited by the council (title 24, definitions 376–8) all *support* the authority of the Dresden Upper Consistory over the burial of suicides. The general authority of the consistories over the burial of suicides, which Carpzov’s commentary affirmed, was presented by the council as a series of special cases in which the form of burial was uncertain, implying that the council held authority over all ‘straightforward’ or unambiguous cases.<sup>68</sup> This echoes Thomasius’ general subordination of church authority, and his specific point that burial is ultimately a secular matter.

The council reinforced its position by referring to the practical issue of suicides in remote areas of the Electorate, then citing established practice (‘alte und neue Exempel’) to show that suicides had often been buried without consulting church authorities – a claim upon which they would later elaborate. Furthermore, the council argued, neither the Consistory nor anyone else had ever before protested against this practice.<sup>69</sup> The council’s argument from precedent is plausible, considering the slow initial response of the Leipzig Consistory to the ‘unauthorized’ burial of Anna Altner.

The Leipzig Consistory then brought its complaint to the Privy Council (*Geheimer Rat*) of King-Elector Augustus the Strong. In a ruling of 13 November 1702 the Privy Council affirmed the position of the Consistory: henceforth every case of suicide required the secular authorities to investigate the life and death of the victim, provide the appropriate consistory with this information, then await the consistory’s decision on the disposal of the body. The ruling of the Privy Council removed the issue from the secular authority: ‘the deliberation regarding the burial of those who have committed suicide does not proceed from the high courts; instead, it comes solely, alone and without exception before the ecclesiastical authority, and belongs before our Consistory’.<sup>70</sup> Referring to the established practice cited by Leipzig city council, the ruling stated

that the secular authority had no jurisdiction over the burial of suicides and could not acquire it through any 'clandestine act'.<sup>71</sup>

About a month later the Leipzig city council defended its position in a detailed response to the ruling of the Privy Council. Again the council argued that the 'disposition' over the burial of suicides belonged to the secular authorities ('der ordentlichen gerichtsobrigkeit') unless there were doubts about the 'ceremonies of the funeral'. The council argued that no law removed the burial of suicides from their jurisdiction, and that their public administration of the burial of suicides had never been challenged by the Consistory or any other institution. The church law elaborated by Carpzov, they argued, gave the consistories jurisdiction only when 'a question regarding the form of the ceremony arises'.<sup>72</sup> Carpzov also stated, according to the council, that the secular authorities were explicitly charged to settle disputes over funerals.<sup>73</sup> The reply was sent to the Privy Council on 21 December; a copy was sent to the Upper Consistory in Dresden on 25 February 1703.

There is no record of any response from Dresden to the Leipzig council's letter, but the dispute continued: in June 1703 a potter's apprentice hanged himself in a suburb of the city outside the Grimma gate.<sup>74</sup> The relatives of the deceased requested from the council permission for an honourable burial, but in this case the Leipzig council noted that 'doubts had arisen over the form and ceremonies of the funeral', and decided to request advice from the Consistory. The council noted explicitly that this report to the Consistory would in no way limit their authority over the burial.<sup>75</sup>

The council's report on the suicide of the apprentice, dated 15 June, was never sent to the Consistory. The relatives of the deceased withdrew their request for an honourable funeral, and the body of the suicide was carried away at night 'on a litter' and buried in the city's main cemetery at St John's (the *Johannisfriedhof*), 'but in a separate place off to the side'.<sup>76</sup>

Again the council had disposed over the body of a suicide without consulting the Leipzig Consistory. On 15 June the Consistory requested a report on the life of the young man, only to learn that the council had already gone ahead with the burial. They immediately appealed to the Privy Council in Dresden, reporting that the council had failed to await their decision on the burial of the suicide. They noted that the burial had taken place in such haste ('in so geschwinder Eyl') that it was necessary to exhume the body shortly afterward to check for signs of violence and confirm that the death was a suicide.<sup>77</sup>

In response to the Consistory's report of June 1703, the Privy Council informed the Leipzig city council that the city council's distinction

between ‘undisputed’ burials (for which no consistorial permission was necessary) and cases in which the form of burial was uncertain (in which case the Consistory should be consulted) was groundless. The Privy Council affirmed the terms of its decision of November 1702: all authority over the burial of suicides lay in ecclesiastical hands.<sup>78</sup> In its defence the Leipzig city council challenged the accuracy of the Leipzig Consistory’s report in a letter to the Upper Consistory in Dresden (28 June 1703), then drafted a lengthy report to the King-Elector and the Privy Council which was prepared by 27 August but withheld until the autumn trade fair, when the King-Elector was expected to visit Leipzig personally.<sup>79</sup> The city council may have hoped to appeal to Augustus directly and circumvent the Privy Council.

In this report the council repeated (sometimes verbatim) the arguments it had made in its letter of 13 July 1702. To support its argument from precedent, the council described six recent cases of suicide in the city and its suburbs over which it had disposed, ‘each time freely and publicly, without inquiry from the Consistory or the superintendents, without any ... controversy, and also without presenting a report or receiving instructions’.<sup>80</sup> If the council’s argument is accepted, then these cases document the council’s *de facto* authority over the burial of suicides back to at least 1690.<sup>81</sup>

Of the six suicides listed, the first three took place in the city prison: a Jew, a shepherd, and a corporal each took their lives there while jailed for theft. Vogel’s *Leipzigerisches Geschichts-Buch* records the suicide of the shepherd in 1693: ‘On 7 July ... a shepherd imprisoned for theft hanged himself ... in the city hall jail’.<sup>82</sup> The form of burial marked an utter outsider: ‘The executioner cut down [the body], wrapped it in a black linen cloth and had his servants carry it down, drag it out and inter it under the gallows.’<sup>83</sup> Vogel records the suicide of the Jew in 1687 but makes no mention of the corporal’s suicide; like the shepherd, both of these suicides were probably buried beneath the gallows.

Of the other three suicides listed by the council (a soap-maker, a turner’s wife, and a rope-maker’s apprentice), Vogel reports only the death and burial of the turner’s wife, in 1690: ‘On 26 July in the evening around 10 o’clock the wife of a turner hanged herself in her bedchamber.’ The chronicle emphasizes her Christian burial: ‘after numerous persons had given testimony that she often suffered from melancholy [the body] was taken by the gravedigger on the following evening and buried in the cemetery’.<sup>84</sup> The council may have allowed Christian burial to the other two suicides in this group as well. These examples were meant to document both the council’s long-standing uncontested authority over the



body of the suicide and its careful use of this authority, which distinguished between the honest poor and dangerous criminals.<sup>85</sup>

This final appeal to the King-Elector displays the council's fundamentally secular interpretation of suicide: when it was clear that the suicide was committed 'out of weakness' ('aus Schwachheit', denoting mental incapacity rather than moral weakness), then the form of burial would be determined by secular authority. Only in 'atrocious, scandalous and wicked' (and by implication rare) cases would ecclesiastical authorities deal with suicide as a moral issue.<sup>86</sup> The Leipzig city council put into practice the new view of ritual and the church developed by Hobbes, Pufendorf, and Thomasius by subtly reducing the Lutheran state church to a mere provider of burial, subordinated to the decisions of the secular authority. The council's defence of its authority over the burial of suicides echoes the arguments of Christian Thomasius for secular authority over funerals in general. Indeed, its practice preceded Thomasius' arguments.

There is no record of any response from the King-Elector or the Privy Council to the Leipzig council's lengthiest appeal. The question of jurisdiction was settled: despite the precedent of secular authority over the burial of suicides (which no one disputed) the rulings of the Privy Council placed all decisions regarding the burial of suicides firmly in the hands of church authorities. The Leipzig council continued to protest against the ruling through 1706, but to no avail.<sup>87</sup> Despite (or in fact due to) the arguments of Thomasius, their *de facto* control was not made legitimate. A 1719 ordinance (*Befehl*) confirmed the 1702 ruling that 'the secular authorities shall refer the burial of suicides ... from melancholy ... to the consistories' but did allow secular jurisdiction over the bodies of those who killed themselves while in jail.<sup>88</sup>

In the burial dispute, the Leipzig city council was unable to ally itself with any of the other political forces in the principality.<sup>89</sup> The Saxon nobles on the Privy Council supported the Lutheran clergy, and the 'foreign' (i.e. non-Saxon) nobles of the court, the leading advisors of the King-Elector, had no interest in the issue.<sup>90</sup> Augustus himself was willing to intervene directly in Leipzig affairs, but only when he stood to benefit financially. The struggle over Reformed worship in Leipzig illustrates the confessional limits of the King-Elector's role in Leipzig city politics.

In 1702, as the burial dispute unfolded, the Leipzig city councillors joined forces with the Lutheran clergy to prevent the construction of a Reformed chapel in the city. Leipzig's small Reformed community, mostly wealthy international merchants with Dutch connections, posed a commercial and religious challenge to the established Lutheran elite on

the city council. They had been allowed to worship in private homes by Augustus in a 1701 Electoral decree, and leading Reformed merchants had promised Augustus another ‘donation’ in the hopes that he would allow them to set up a permanent chapel in Leipzig – anathema to the council on both commercial and religious grounds.<sup>91</sup> In March 1702 Augustus indicated, however, that if the Leipzig city council could provide him a 50,000 *Gulden* advance on future tax payments, he would forbid even *private* Reformed worship. Financially exhausted, the council balked at this request for another ‘extraordinary’ payment to the King-Elector, and voiced outrage that the King-Elector treated Reformed worship as if it were ‘not a matter of conscience’. One councillor commented that the city council’s opposition to Reformed worship ‘cannot be furthered with money – it is God’s cause’.<sup>92</sup> Thwarted by the Leipzig city council’s refusal to pay, Augustus left the Reformed community’s privilege of private worship intact, but allowed the council to forbid the construction of any Reformed chapel or church – a clear, though partial, victory for the council.

For Augustus, financial concerns simply overrode confessional politics. In 1698 he allowed the court Jew Isaac Behrend numerous special privileges at the Leipzig trade fairs, as thanks for help in raising and distributing the vast sums used to secure his election to the Polish throne. The Leipzig city council, the Upper Consistory, and the Privy Council all protested, but to no avail.<sup>93</sup> The Leipzig city council could rely on the support of its prince only, it seemed, when the council had enough money to offer. In the burial controversy, there was no financial incentive involved.

### III. SECULARIZATION AND THE BODY OF THE SUICIDE

The *de facto* administrative secularization of the burial of suicides established in Leipzig at the end of the seventeenth century was reversed by the regional consistory, which successfully asserted its authority over all burials of suicides, even when nothing more than the humblest interment was desired. In 1702 neither the Leipzig Consistory, nor the Upper Consistory in Dresden, nor the Privy Council of Augustus II denied that for some years the Leipzig city council had exercised general authority over the burial of suicides. Why did the Leipzig Consistory first contest the city council’s practice in 1702–1703?

The publication in nearby Halle of Thomasius’ *Solennia sepulturae* must have intensified the conflict; in fact, it may have provoked it. In this

treatise Thomasius made the law of burial a prime example of the daily application of the territorial principle of church authority. His ringing proclamation of secular authority over the burial of suicides (and of funerals in general) alerted Lutheran church leaders in Saxony to the implications of the Leipzig council's burial of suicides. The secularizing practices of the city council (in the mundane issue of burial location) preceded the theory of territorialism that justified it. We know that Thomasius' opponents, men like Valentin Ernst Löscher in Dresden and Johann Benedict Carpzov in Leipzig, followed his publications closely.<sup>94</sup> They may have seen the *Solennia sepulturae* as a continuation of the bitter debate sparked by Thomasius' 1695 *De jure principis circa adiaphora*. By arguing that funeral ceremonies were adiaphora and as such entirely subject to secular authority, Thomasius placed the long-standing practice of the Leipzig city council in a new and threatening light: suddenly, the authority to define the community and its outsiders was at stake.

The body of the suicide thus emerged as a conspicuous and contested issue in the early Enlightenment reformulation of the relationship between the church and civil authority.<sup>95</sup> For Thomasius, the body was adiaphora, literally 'a thing indifferent', emptied of the meaning it carried in popular belief and in Lutheran theology. This secular body, subject to civil authority in life and in death, was anathema to the church authorities of Electoral Saxony.

For reasons specific to Electoral Saxony, the intellectual and administrative attempts to secularize the burial of suicides failed. The would-be absolute monarch Augustus, the political actor with the most to gain from the establishment of territorialism, seems never to have addressed the issue. With no financial incentive, he was unwilling to intervene on behalf of the Leipzig city council; his Privy Council, closely tied to Saxon Lutheranism, decided the dispute in favour of the traditional clergy. The body of the suicide remained under the jurisdiction of church officials.

Considered in its intellectual and institutional contexts, the Leipzig dispute illustrates the importance of the body and ritual for an understanding of the early Enlightenment and the history of suicide. Despite the arguments of Thomasius and the Leipzig city council in favour of secular authority over the burial of suicides, the connection between a secular understanding of the state, ritual, and the body on one hand and the secular administration of the body of the suicide on the other appears both complex and indirect. In this Saxon case the rising tide of secularization produced powerful counter-currents which moved in an entirely different direction.

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ENDNOTES

- 1 Michael MacDonald and Terence R. Murphy, *Sleepless souls: suicide in early modern England* (New York, 1990), 342; See also 6, 109–216. See also Donna Andrew and Michael MacDonald, 'Debate: the secularization of suicide in England, 1660–1800', *Past & Present* **119** (1988), 158–70.
- 2 Martina Wagner-Egelhaaf, 'Melancholischer Diskurs und literaler Selbstmord. Der Fall Adam Bernd', in Gabriela Signori ed., *Trauer, Verzweiflung und Anfechtung: Selbstmord und Selbstmordversuche in mittelalterlichen und frühneuzeitlichen Gesellschaften* (Tübingen, 1994), 282–310; see Adam Bernd, *Eigene Lebens-Beschreibung* (complete 1738 edition), ed. Volker Hoffman (Munich, 1973), 128–30, 177–84, 376–8.
- 3 Markus Schär refers to 'die Abwertung Übernatürlicher Mächte' in his *Seelennöte der Untertanen: Selbstmord, Melancholie und Religion im alten Zürich, 1500–1800* (Zürich, 1985), 6, 201–19. See also the overview of eighteenth-century debates in Vera Lind, *Selbstmord in der Frühen Neuzeit: Diskurs, Lebenswelt und kultureller Wandel am Beispiel der Herzogtümer Schleswig und Holstein*, Veröffentlichungen des Max-Planck-Instituts für Geschichte, **146** (Göttingen, 1999), 45–151.
- 4 See for example Georges Minois, *History of suicide: voluntary death in Western culture*, trans. Lydia G. Cochrane (Baltimore and London, 1999), which does not discuss the body in relation to suicide.
- 5 See Michael Frank, 'Die fehlende Geduld Hiobs. Suizid und Gesellschaft in der Grafschaft Lippe (1600–1800)', in Signori ed., *Trauer, Verzweiflung und Anfechtung*, 152–88, and David Lederer, 'Aufruhr auf dem Friedhof. Pfarrer, Gemeinde und Selbstmord im frühneuzeitlichen Bayern', in Signori ed., *Trauer, Verzweiflung und Anfechtung*, 189–209. Frank discusses the social consequences of contact with the body of a suicide (pp. 169–75); Lederer (pp. 199–208) examines the dishonour associated with the body of the suicide and the threats it posed to the community.
- 6 Lederer, 'Aufruhr auf dem Friedhof', and Frank, 'Die fehlende Geduld Hiobs'.
- 7 Jürgen Dieselhorst, 'Die Bestrafung der Selbstmörder im Territorium der Reichsstadt Nürnberg', *Mitteilung des Vereins für die Geschichte der Stadt Nürnberg* **44** (1955), 189–222; Fritz-Helmut Karraß, 'Die rechtliche Behandlung der Selbstmörder in der Zentverfassung des Hochstifts Würzburg (1454 bis 1806)' (unpublished Ph.D. dissertation, Universität Würzburg, 1971); Schär, *Seelennöte der Untertanen*.
- 8 See David Lederer, 'Reforming the spirit: society, madness and suicide in Central Europe, 1517–1809' (unpublished Ph.D. dissertation, New York University, 1995), 360–437, esp. pp. 387–403, and Lind, *Selbstmord in der Frühen Neuzeit*, 340–57. This was also the case in early modern Sweden, where civil courts determined the form of burial of suicides. See Arne Jansson, *From swords to sorrow: homicide and suicide in early modern Stockholm*, Stockholm Studies in Economic History, 30 (Stockholm, 1998), 12, 25–31.
- 9 Lederer, 'Reforming the spirit', 389–403. In his richly detailed study Lederer does not discuss any cases of church–state conflict over the general authority to determine the form of burial of a suicide, as in the Leipzig dispute.
- 10 Lind, *Selbstmord in der Frühen Neuzeit*, 351–7.

- 11 See Tanya Kevorkian, 'Piety confronts politics: Philipp Jacob Spener in Dresden, 1686–1691', *German History* 16, 2 (1998), 145–64.
- 12 See the recent article on 'Kirchenregiment, landesherrliche' in the *Theologische Realenzyklopaedie*, ed. Gerhard Krause and Gerhard Müller in association with Horst Robert Balz (Berlin, 1976–), Vol. 19, 62–4, and the literature cited there.
- 13 See Karl Czok, *August der Starke, Sein Verhältnis zum Absolutismus und zum sächsischen Adel*, Sitzungsberichte der Sächsischen Akademie der Wissenschaften zu Leipzig, Philologisch-Historische Klasse, 131, 3 (Berlin, 1991), and the articles by Blaschke, Czok and Hoyer in the special volume of *Saxonia* 1 (1995) on Augustus and his age (pp. 7–13, 41–7, 48–54).
- 14 See Wolfgang Neugebauer, 'Monarchisches Kabinett und Geheimer Rat. Vergleichende Betrachtungen zur frühneuzeitlichen Verfassungsgeschichte in Österreich, Kursachsen und Preußen', *Der Staat* 33, 4 (1994), 511–35, on Saxony pp. 529–34, and F. Kaphan, 'kurfürst und kursächsische Stände im 17. und beginnenden 18. Jahrhundert', *Neues Archiv für sächsische Geschichte* 43 (1922), 62ff.
- 15 Augustus' Catholicism was entirely political, as was his approach to confessional questions in Leipzig politics (see below, n. 33). Catholic and Protestant church historians alike agree that his conversion had no basis in faith or conviction – evidence of another aspect of secularization in this period. See Norman Davies, *God's playground: a history of Poland* (New York, 1984), Vol. 2, 495–6.
- 16 See the *Übersicht über die Bestände des Sächsischen Landeshauptarchivs* (Dresden, 1955), 94, and Johannes Dürichen, 'Geheimes Kabinett und Geheimer Rat unter die Regierung Augusts des Starken in den Jahren 1704–1720', *Neues Archiv für sächsische Geschichte* 51 (1930), 68–136; 75. On the relationship between Leipzig and its *Landesherr*, see Karlheinz Blaschke, 'Die kursächsische Politik und Leipzig im 18. Jahrhundert', in Wolfgang Martens ed., *Leipzig: Aufklärung und Bürgerlichkeit* (Heidelberg, 1990), 23–38, and Gustav Wustmann, 'Der Bürgermeister Romanus', in Wustmann ed., *Quellen zur Geschichte Leipzigs* (Leipzig, 1889, 1895), Vol. 2, 263–352.
- 17 See Martin Greschat, *Zwischen Tradition und neuem Anfang: Valentin Ernst Löscher und der Ausgang der lutherischen Orthodoxie* (Witten, 1971).
- 18 Johann Jakob Vogel; *Leipzigerisches Geschichts-Buch oder Annales, das ist: Jahr- und Tagebücher der ... Stadt Leipzig ... von anno 661 ... bis in das 1714 Jahr* (Leipzig, 1714), 704.
- 19 The complete entry: 'Den 6. Jun. ward Matthäus Kleeman/ein Todten-Gräber in Taucha/welchen des Tages zuvor der Pfarr-Herr daselbst Abends um 10. Uhr/auff einem Grabe vorm Gottes-Acker/darein vor wenigen Tagen eine Töpfferin war gelegt worden (welche ihren eigenen Mann/dieweil sie mit einem anderen zugehalten/und nachdem diese That lautbar/und sie gefangen genommen worden/sich auch selbst mit Gifft vergeben) mit einem Topffe und Querl angetroffen/und deswegen zur Rede gesetzt/und den Gerichten diese Sache angedeutet/die ihn auch in Verhaft nehmen lassen/gefänglich herein gebracht und verwahret. Die nächste Nacht darauff hat er sich in seinem Gefängnüß selbst erhencket/allwo ihn der Nachrichter hernach abgeschnitten/auff einer Schleiffe hinaus geschleppt und unter das hohe Gerichte verscharret (Vogel, *Leipzigerisches Geschichts-Buch*, 704).
- 20 Ibid.: 'mit einem Topffe und Querl'.
- 21 See 'Selbstmörder' in Hanns Bächtold-Stäubli ed., *Handwörterbuch des deutschen Aberglaubens* (repr. Berlin, 1987), Vol. 7, 1627–33.
- 22 On the denial of Christian burial to members of 'dishonourable professions' see Johann Glenzdorf and Fritz Treichel, *Henker, Schinder und arme Sünder* (Bad Münden am

- Deister, 1970), Vol. 1, 31–6, and Gisela Wilbertz, *Scharfrichter und Abdecker im Hochstift Osnabrück: Untersuchungen zur Sozialgeschichte zweier 'unehrlicher' Berufe im nordwestdeutschen Raum von 16. bis zum 19. Jahrhundert* (Osnabrück, 1979), 299–300. On criminals see Richard van Dülmen, *Theater des Schreckens: Gerichtspraxis und Strafrituale in der frühen Neuzeit* (Munich, 1985), and Richard Evans, *Rituals of retribution: capital punishment in Germany, 1600–1987* (New York, 1986).
- 23 *D. Martin Luthers Werke. Kritische Gesamtausgabe. Briefwechsel* (Weimar, 1930–1967) (hereafter WABr) Vol. 9, 594; see Craig Koslofsky, *The reformation of the dead: death and ritual in early modern Germany, 1450–1700* (New York, 2000), 101–4, and Wilhelm Thümmel, *Die Versagung der Kirchlichen Bestattungsfeier. Ihre geschichtliche Entwicklung und gegenwärtige Bedeutung* (Leipzig, 1902), 85. On the denial of Christian burial in Catholic Bavaria, see Lederer, 'Reforming the spirit', 368–73.
- 24 See WABr, Vol. 9, 594.
- 25 See H. C. Erik Midelfort, 'Selbstmord im Urteil von Reformation und Gegenreformation', in Wolfgang Reinhard and Heinz Schilling eds., *Die katholische Konfessionalisierung*, Schriften des Vereins für Reformationsgeschichte, 198 (Gütersloh, 1995), 296–310, 301, citing *D. Martin Luthers Werke. Kritische Gesamtausgabe. Tischreden* (hereafter WATr) (Weimar, 1912–1921), nr. 222. See also WATr, nr. 6089.
- 26 Koslofsky, *Reformation of the Dead*, 102–4; Thümmel, *Versagung*, 86. Of course, Luther did not confuse the ban with the actual salvation of the banned person: 'It may often occur that a banned person, robbed of the holy sacrament and burial as well, is however secure in the community of Christ.' See Sermon on the ban' (1519), in J. Pelikan and H. T. Lehmann eds., *Luther's Works* (St Louis and Philadelphia, 1955–) (hereafter LW), vol. 39, 3–22; cf. *D. Martin Luthers Werke. Kritische Gesamtausgabe* (Weimar, 1883–) (hereafter WA), vol. 27, 67.
- 27 From the Reichenbach parish register: 'Michel Ewalt begraben worden den 12. Septembris 1610. Dieser war in 11 Jahren nur zweimal zum Nachtmahl gangen, hat auch sonst ein gottlos wild epikurisch Leben geführt.' Note in margin: 'Ist in angulum coemiterii begraben worden, hinten am Kirchhof' ('Buried in the corner of the cemetery, in the back near the church yard') See Rudolf Kunz ed., *Südhessische Chroniken aus der Zeit des Dreissigjährigen Krieges* (Lorsch, 1983), 65–6.
- 28 Benedict Carpzov, *Jurisprudentia ecclesiastica seu consistorialis* (Leipzig, 1649), 'auff dem Kirchhof an einem absonderlichen ort abends oder morgens frühe ohne läuten / singen und dergleichen ceremonien ohne allen längeren verzug begraben werden möge' (Def. 377, 580).
- 29 Mary Lindemann, 'Armen- und Eselbegräbnis in der europäischen Frühneuzeit', in Paul Richard Blum ed., *Studien zur Thematik des Todes im 16. Jahrhundert*, Wolfenbütteler Forschungen, 22 (Wolfenbüttel, 1983), 125–40, 130.
- 30 See the cases cited by Carpzov in his *Jurisprudentia ecclesiastica*, 578–82, and the 159 Nuremberg cases (1484–1778) in Appendix II of Dieselhorst, 'Selbstmörder im Territorium der Reichsstadt Nürnberg', 189–222. Criminals awaiting trial or sentence who committed suicide to escape execution were usually given the same burial as if they had been executed – typically under the gallows.
- 31 See Thümmel, *Versagung*, 117.
- 32 In practice this distinction was flexible: it could be used, for example, to shield the well-born from dishonorable burial. See Carpzov, *Jurisprudentia ecclesiastica*, 581–2; on funeral sermons for suicides, see Rudolf Mohr, *Protestantische Theologie und Frömmigkeit im Angesicht des Todes während des Barockzeitalters* (Marburg, 1964), 402–4.
- 33 'Cognitio ergo causae praecedat, necesse est, quae ad Magistratum ecclesiasticum seu

- Consistorium proprie spectat, a quo modus sepulturae in casu occurrente praescribendus licet' (Carpzov, *Jurisprudentia ecclesiastica*, 581).
- 34 Usually the superintendent; See *ibid.*, 582.
- 35 Johann Christian Lünig, *Codex Augusteus, oder Neuvermehrtes corpus juris saxonici* ... (Leipzig, 1724), Vol. 1, 861.
- 36 Carpzov, *Jurisprudentia ecclesiastica*, 577–80.
- 37 *Ibid.*, 578: 'ex melancholii, furore, aliavè animi impotentia'.
- 38 'Nun giebt die Churfl. –Sächs. Kirchen-Ordnung klar/daß ... was die Todten und ihre Begräbnisse betrifft/bey den Consistoriis angebracht/und allda erörtert werden sollen.' *Ibid.*, 605.
- 39 See Hans-Jürgen Engfer, 'Christian Thomasius. Erste Proklamation und erste Krise der Aufklärung in Deutschland', in Werner Schneiders ed., *Christian Thomasius 1655–1728* (Hamburg, 1989), 21–36.
- 40 See Horst Dreitzel, 'Christliche Aufklärung durch fürstlichen Absolutismus: Thomasius und die Destruktion des frühneuzeitlichen Konfessionsstaates', in Friedrich Vollhardt ed., *Christian Thomasius (1655–1728), neue Forschungen im Kontext der Frühaufklärung* (Tübingen, 1997), 17–50.
- 41 These connections are examined by Peter Schröder in 'Thomas Hobbes, Christian Thomasius and the Seventeenth Century Debate on the Church and State', *History of European Ideas* 23, 2 (1997), 59–79. See also Stephan Buchholz, 'Christian Thomasius: Zwischen Orthodoxie und Pietismus – Religionskonflikte und ihre literarische Verarbeitung', in Schneiders ed., *Christian Thomasius* 250–2; see also his *Recht, Religion und Ehe. Orientierungswandel und gelehrte Kontroversen im Übergang vom 17. zum 18. Jahrhundert* (Frankfurt/M., 1988), 109–33, and Hildegard Doerr, 'Thomasius' Stellung zum Landesherrlichen Kirchenregiment' (unpublished Ph.D. dissertation, Universität Bonn, 1918).
- 42 Greschat, *Löscher*, 158–60.
- 43 The German translation, *Vom Recht evangelischer Fürsten in Mitteldingen oder Kirchenzeremonien*, was published in Thomasius' *Auserlesene und in Deutsch noch nie gedruckte Schriften* (Halle, 1705), reprinted in Werner Schneiders ed., *Christian Thomasius. Ausgewählte Werke*, Vol. 23 (Hildesheim, 1994).
- 44 See Rolf Lieberwirth, *Christian Thomasius. Sein wissenschaftliches Lebenswerk* (Weimar, 1955), 53–4.
- 45 Buchholz, 'Zwischen Orthodoxie und Pietismus', 251: 'die adiaphora enden erst dort, wo das Gewissen beginnt'.
- 46 '... über das thun und lassen seiner Unterthanen, sowohl in weltlichen als geistlichen Dingen'. Thomasius, *Vom Recht evangelischer Fürsten in Mitteldingen oder Kirchenzeremonien*, 79f. See Schröder, 'Thomas Hobbes, Christian Thomasius', 62–5.
- 47 Christian Thomasius (praes.) and Nikolaus Peter Giedda (resp.), *De jure principis evangelici circa solennia sepulturae* (Halle, 1702). Translated as *Vom Recht evangelischer Fürsten in Solennitäten bei Begräbnissen* in *Auserlesene und in Deutsch noch nie gedruckte Schriften* (Halle, 1705), 376–461. Reprinted in Werner Schneiders ed., *Christian Thomasius. Ausgewählte Werke*, Vol. 23 (Hildesheim, 1994). On questions of the authorship of such dissertations, see Dreitzel, 'Christliche Aufklärung', 20; Buchholtz, *Recht, Religion und Ehe*, 4–14, and Lieberwirth, *Thomasius*, Vol. 3. The publication of the German translation of *De jure principis evangelici circa solennia sepulturae* under Thomasius' name in 1705 also indicates that he saw the work as his own.
- 48 'Dieweil ich nun vernommen/daß sich Leute an einem Ort finden/welche sich aus allen Kräften bemühen/daß sie ... den Fürsten und der Weltlichen Obrigkeit das Recht

- Leichen Ceremonien zu ändern und abschaffen/absprechen mögen' (Thomasius, *Solennitäten bei Begräbnissen*, 382–3).
- 49 Ibid., 379, 436: 'die heimliche Papistische Geistlichen unter der Larve Evangelischer Theologen'.
- 50 Ibid.: 'die Verwaltung der Leichenbegängnisse nicht zum Recht in innerlichen/sonder in äusserlichen Dingen gehöre', 404.
- 51 Ibid., 401: 'with good cause, to either increase or decrease the ceremonies typical at honorable funerals' ('aus rechtmäßigen Ursachen/die bey ehrlichen Leichenbegängnissen sonst gebräuchlichen Ceremonien entweder [zu] vermehren/oder [zu] vermindern'). This simplification of the Lutheran funeral was one aspect of the rise of honourable nocturnal funeral (often referred to as the *Beisetzung*) during the last third of the seventeenth century. See chapter 6 ('From disgrace to distinction: nocturnal burial in seventeenth-century Germany') in Koslofsky, *Reformation of the dead*, 133–52.
- 52 '... diejenigen/welche in Raserey/oder Melancholey sich selbst ermordet' (Thomasius, *Solennitäten bei Begräbnissen*, 389).
- 53 '... die Juristen, wenn sie sagen/daß das Recht der Begräbnisse den Consistoriis gehöre ... sie nur davon reden/was ordentlich auff Verordnung oder Vergünstigung des Fürsten geschieht/wenn die Consistoria oder Ministeria etwas auff Fürstlichen ausdrücklichen oder darunter verstandenen Befehl thun' (ibid., 388–9).
- 54 Ibid., 399.
- 55 Ibid., 396: 'Daß aber auch hierinnen die Päbstischen/oder Papentzenden Pfaffen zu weit gangen/und die frömmsten und unschuldigsten Leute/vor gottlose und vor Verächter göttliches Worts gehalten/bezeuget die Kirchen-Historie aller Zeiten.' These views were echoed in the 1717 dissertation of the Halle jurist Justus Henning Boehmer, *De iure denegandi communionem coemeteriorum vulgo vom Todten-bann*, which argued that Protestant church law placed the decision to deny Christian burial solely under the secular authority. See Thümmel, *Versagung*, 124–5.
- 56 Thomasius' position on post-mortem punishment of suicides is closely linked with his opposition to judicial torture. Lederer ('Reforming the spirit', 398) also connects leniency in cases of suicide with the changing attitudes toward the body suggested by Michel Foucault in *Discipline and punish: the birth of the prison*, trans. Alan Sheridan (New York, 1979), 3–30.
- 57 '... ein solch thema ... welches täglich zu gebrauchen' (Thomasius, *Solennitäten bei Begräbnissen*, 460).
- 58 See Werner Emmerich, *Der ländliche Besitz des Leipziger Rates: Entwicklung, Bewirtschaftung und Verwaltung bis zum 18. Jahrhundert*, Aus Leipzigs Vergangenheit, 3 (Leipzig, 1936), 81–134.
- 59 Stadtarchiv Leipzig (hereafter SdAL), Tit. XLIV E 4 (Feud.), 'Begräbnis deren welche sich selbst entleiben betr., 1702–1771', fos. 2–3v, and the records in the Sächsisches Hauptstaatsarchiv Dresden (hereafter SHAD), Loc. 4571, Geheimes Konsilium, 'Die zwischen den Rath zu Leipzig und dem Consistorio daselbst wegen Begrabung derer sich selbst ermordeten Personen entstandene differentien Ao. 1703.' There are no documents concerning the dispute in the records of the Privy Cabinet, which strongly suggests that the Privy Council handled the dispute and that the Privy Cabinet never saw the issue.
- 60 Lederer, 'Reforming the spirit', 363–73; Midelfort, 'Selbstmord', 299–302.
- 61 'die vermuthlichen Ursachen der Autochirie' (SdAL, Tit. XLIV E 4 (Feud.), fos. 2v–3v).
- 62 Ibid., fos. 2–3v.



- 63 Ibid., fo. 1. As discussed below, the churchmen may have been responding to the publication of Thomasius' *Solennia sepulturae*, which put the council's practice in the threatening context of Thomasius' territorialism.
- 64 '... a report to the Consistory is only necessary in those cases when doubts about the form of the burial arise, which is not the case here, as the relatives of the hanged person have requested no funeral ceremonies' ('dieweil nur in denen Fällen an die Consistoria Bericht erfordert wird, wann über der art des Begräbnißes *dubia* entstehen, welcher fall aber hier nicht vorhanden, indem der erhenckten angehöriger keine Leichen Ceremonien verlanget' (ibid., fo. 3v).
- 65 '... ob der Körper auff dem Gottesacker oder an einer anderen orth begraben, ingleichen, ob man waß vor Ceremonien dabey gebraucht werden sollen' (ibid., fo.4).
- 66 The King-Elector put Romanus at the head of the Leipzig city council to ensure the flow of revenue from the city. See Wustann, 'Der Bürgermeister Romanus', 264–72. There are no extant records of the deliberations of the Leipzig city council on this issue. After a series of court intrigues still not clearly understood, Franz Conrad Romanus was accused of embezzlement, removed from office and arrested in 1705. Unable to regain the favour of Augustus, Romanus was imprisoned at the Königsstein fortress and held there until his death in 1746.
- 67 SdAL, Tit. XLIV E 4 (Feud.), fos. 5–6r.
- 68 Ibid., fo. 5v.
- 69 Ibid., fos. 5–6r. As the dispute continued, the Leipzig Consistory insisted that it had no difficulty investigating suicides in any part of its jurisdiction (SHAD, Loc. 4571, etc., fos. 17–20, 30 May 1703).
- 70 '... die cognitio de sepultura derer so sich selbst ermordet nicht von denen Ober Gerichten dependiret, sondern einzig und allein ohne unterschied dem Judici Ecclesiastico Zukömmt, und vor unsere Consistoria gehörig' (SdAL, Tit. XLIV E 4 (Feud.), fos. 7–8v).
- 71 Ibid., fo. 8.
- 72 '... de moderatione ceremoniarum eine quästion entstehet' (ibid., fo. 8).
- 73 Ibid., fos. 9–10v. This is an accurate reference to Carpzov *Jurisprudentia ecclesiastica*, 607–9.
- 74 'Den 5. Junii hat sich ein Lehrjunge vorm Grimmischen Thore beym Töpffer aus Melancholie selbst erhencket' (Vogel, *Leipzigerisches Geschichts-Buch*, 953: 5 June is probably an error).
- 75 '[wenn] über den modo und ceremoniis sepultura sich zweiffel ereignete' (SdAL, Tit. XLIV E 4 (Feud.), fo. 11).
- 76 '... doch an einem sonderlichen Ort abwärts' (ibid.).
- 77 '... sondern also balde den Körper abzunehmen und zubegraben vor sich anstellt gemacht, welches auch in so geschwinder Eyl erfolget, daß, da bald darauf ein Gericht erscholten, als wenn er von einem anderen ümgebracht wäre, der Körper wieder ausgegraben und besichtigt werden müssen' (ibid., fo. 15v).
- 78 Ibid., fos. 13–14; cf. SHAD, Loc. 4571, Geheimes Konsilium, 'Die zwischen den Rath zu Leipzig und dem Consistorio daselbst', fos. 12, 21.
- 79 The draft of the council's reply is in SdAL, Tit. XLIV E 4 (Feud.), fos. 21–3v. In fact, Augustus did not visit Leipzig until the following January (Wustmann, 'Der Bürgermeister Romanus', 280).
- 80 '... iedesmahl frey, öffentlich und ohne deren consistorium oder deren superintendenten einigen Nachfragen, oder [vor oder nach erregte] contradiction, auch ohne gestatteten bericht und eingefangener anordnung' (ibid., fo. 22v).
- 81 Ibid. 1690 is the date of the earliest case confirmed in Vogel's chronicle.

- 82 Vogel, *Leipzigerisches Geschichts-Buch*, 884: 'Den 7. Julii/vergangene Nacht hat sich auffm Rathhause in dem Gefängniß/darinn sich vor wenig Jahren ein Jude erhencket/ein Schaaf-Knecht/der Dieberey halben inne gesessen/an eine Schloß-Zwecke ... gehengt.'
- 83 '... welchen der Nachrichten abgeschnitten/in ein schwarz leinen Tuch gewickelt / und durch seine Knechte herunter tragen/hinaus schleiffen und unter den Galgen verscharren lassen' (ibid).
- 84 'Den 26 Julii Abends um 10 Uhr hat sich eines Dreschlers Weib in ihrer Schlaff-Kammer ... selbst erhenckt ... nach abgelegten Zeugniß etlicher Persohnen/daß sie öfters mit der Melancholie beschweret/vom Todtengräber folgenden Abend ist [der Körper]/abgeholet und auffm Gottes-Acker begraben worden' (ibid., 863).
- 85 SdAL, Tit. XLIV E 4 (Feud.), fos. 22v–23r: 'als daß wir uns unzweifelich in einer von undenklichen jahren beständig hergebrachten und ohne widerrede exerciten posseß vel quasi befinden'.
- 86 Ibid., fo. 22v. On this secular understanding of self-destruction see MacDonald and Murphy, *Sleepless souls*, 107–216; John McManners, *Death and the Enlightenment: changing attitudes to death among Christians and unbelievers in eighteenth-century France* (Oxford, 1981), 409–37; and Ursula Baumann, 'Überlegungen zur Geschichte des Suizids (letztes Drittel 18. Jahrhundert bis erste Hälfte 20. Jahrhundert)', in Signori ed., *Trauer, Verzweiflung und Anfechtung*, 319–29. On the uneven course of secularization see Hartmut Lehmann, *Das Zeitalter des Absolutismus: Gottesgnadentum und Kriegsnot*, Christentum und Gesellschaft, 9 (Stuttgart, 1980), 176–8.
- 87 On the continued protest of the Leipzig council see SHAD, Loc. 4571, Geheimes Konsilium, 'Die zwischen den Rath zu Leipzig und dem Consistorio daselbst'. fos. 33–34, 37, 40v. Unfortunately, the surviving records of the Leipzig Consistory, held in the Sächsisches Hauptstaatsarchiv Dresden (Aktenzeichen II. 3. 1. 09. 1.) contain nothing regarding the Leipzig burial dispute.
- 88 *Codex Augusteus*, Vol. 1, 1009–12.
- 89 As Siegfried Hoyer has observed, research on domestic politics during the reign of Augustus is still in its early stages. See 'Wie absolut war August?' *Saxonia* 1 (1995), 49–51.
- 90 On foreign councillors see Karl Czok, 'Zur absolutistischen Politik Augusts des Starken in Sachsen', *Sächsische Heimatblätter* (1983) 4: 145–53, 147.
- 91 See Wustmann, 'Der Bürgermeister Romanus', 272–4, and Albrecht Kirchoff, *Die Anfänge kirchlicher Toleranz in Sachsen: August der Starke und die Reformierten* (Leipzig, 1872).
- 92 Wustmann, 'Der Bürgermeister Romanus', 273.
- 93 Blaschke, 'Leipzig im 18. Jahrhundert', 23–38.
- 94 See the review of Thomasius' 1706 tract on the ban in the journal edited by Löscher, the *Unschuldige Nachrichten von Alten und Neuen Theologischen Sachen ...*, nr. 7 (1706), 402–20. See Greschat, *Löscher*, 157–9, for critical references to Thomasius in the publications of Lutheran church officials, especially Valentin Ernst Löscher.
- 95 Like bigamy, for example, suicide raised legal questions which highlighted the intellectual conflicts between the episcopatism of traditional Lutherans and the territorialism of Thomasius. See Buchholz, *Recht, Religion und Ehe*, and Isabel V. Hull, *Sexuality, state, and civil society in Germany, 1700–1815* (Ithaca, 1996).